

LOS ALAMOS POLICE DEPARTMENT



STANDARDS OF CONDUCT

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Law Enforcement Code of Ethics

As a Law Enforcement Officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence or disorder; and to respect the Constitutional rights of all men to liberty, equality and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my Division. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession...law enforcement.

STANDARDS OF CONDUCT

'1.01 Violation of Rules

Employees shall not commit any acts or omit any acts which constitute a violation of any of the rules, regulations, directives, or orders of the Department or County whether stated in these Rules or elsewhere.

'1.02 Conduct Unbecoming of an Officer or Employee

Conduct unbecoming of an officer or employee is hereby prohibited. Any employee engaging in such conduct shall be subject to disciplinary action in accordance with County Personnel Rules and Regulations. "Conduct unbecoming an officer", as that term is used herein, is defined as follows:

Any conduct on the part of any member of the Los Alamos Police Department, whether on or off duty, either within or outside the County of Los Alamos, New Mexico, which impairs the operation or morale of the Los Alamos Police Department, or of the Bureau to which the employee is assigned; or, which impairs the efficient operation of the County of Los Alamos; or, which creates a danger to the public, other employees, property, or himself or herself; or, which impairs the employee's ability to perform his or her duties; or, which reflects discredit upon the individual, the Los Alamos Police Department or the County of Los Alamos.

'1.03 Immoral Conduct

Employees shall maintain a level of moral conduct in their personal and business affairs which is in keeping with the highest standards of the law enforcement profession. Employees shall not participate in any incident involving moral turpitude which impairs the ability to perform as law enforcement officers or causes the Department to be brought into disrepute.

'1.04 Conformance to Laws

- A. Employees shall obey all laws of the United States and of any state and local jurisdiction in which the officers are present.
- B. A conviction of the violation of any law shall be prima facia evidence of a violation of this Section.
- C. Employees shall report, in writing, to the Chief of Police, any legal actions, either civil or criminal, including divorce or dissolution proceedings, involving them as soon as such action is filed.

'1.05 Reporting for Duty

Employees shall report for duty at the time and place required by assignment or orders and shall be physically and mentally fit to perform their duties. They shall be properly equipped and cognizant of information required for the proper performance of duty so

that they may immediately assume their duties. Judicial and administrative subpoenas shall constitute an order to report for duty under this Section.

'1.06 Neglect of Duty

Employees shall not read, play games, watch television or movies, or engage in any activities or personal business which would cause them to neglect or be inattentive to duty.

'1.07 Fictitious Illness or Injury Reports

Employees shall not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health.

'1.08 Sleeping on Duty

Employees shall remain awake and fully alert while on duty. If unable to do so, they shall so report to their superior officer, who shall determine the proper course of action.

'1.09 Leaving Duty Assignment

Employees shall not leave their duty assignments during a tour of duty except when authorized by proper authority.

'1.10 Meals

Employees shall be permitted to suspend patrol or other assigned activity, subject to immediate call at all times, for the purpose of having meals during their tours of duty, but only for such period of time, and at such time and place, as established by proper authority. Employees shall have said meals at locations within their duty posts unless otherwise authorized by proper authority.

'1.11 Unsatisfactory Performance

A. Employees shall maintain required competency to properly perform their duties and assume the responsibilities of their position. Employees shall perform their duties in a manner which will maintain the highest standards of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may include but is not limited to a lack of knowledge of the application of law required to be enforce; an unwillingness or inability to perform assigned tasks, the failure to conform to work standards established for the officer's rank, grade, or position; the failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention; or absence without leave. In addition to other indicia of unsatisfactory performance, the following will be considered prima facie evidence of unsatisfactory performance: repeated poor evaluations or a written record of repeated infractions of rules, regulations, directives, or orders of the Department or the County.

- B. In the event of a breach of discipline it shall be presumed that the employee was familiar with the rules, regulations, orders and other authoritative instructions of the Los Alamos Police Department or the County.

'1.12 Employment Outside of Department

- A. Officers may engage in off-duty employment subject to the submission of a written request to, and subsequent approval by, the Chief of Police.
- B. Approval may be denied where it appears that the outside employment might: (1) render the officers unavailable during an emergency, (2) physically or mentally exhaust the officers to the point that their performance may be affected, (3) require that special consideration be given to scheduling of the officer's regular duty hours, or (4) bring the Department into disrepute or impair the operation or efficiency of the Department or officer.

'1.13 Alcoholic Beverages and Drugs in Police Installations

Employees shall not store or bring into any police facility or vehicle alcoholic beverages, controlled substances, dangerous drugs, synthetic drugs, narcotics, or hallucinogens except alcoholic beverages, controlled substances, dangerous drugs, synthetic drugs, narcotics, or hallucinogens which are held as evidence, and medication prescribed by a physician or dentist.

'1.14 Possession and Use of Drugs

Employees shall not possess or use any controlled substances, dangerous drugs, synthetic drugs, narcotics, or hallucinogens except when prescribed in the treatment of officers by a physician or dentist. When controlled substances, narcotics, or hallucinogens are prescribed, employees shall notify their supervisor. Employees shall not appear for duty or be on duty in an altered or impaired condition, which is the result of the illegal use of controlled substances or the use of legal substances.

'1.15 Use of Alcohol on Duty or in Uniform

- A. Employees shall not consume intoxicating beverages while in uniform or on duty except while in the performance of duty and acting under proper and specific orders from a superior officer.
- B. Employees shall not appear for duty, or be on duty, while under the influence of intoxicants to any degree whatsoever, or with an odor of intoxicants on their breath.

'1.16 Use of Alcohol Off Duty

Employees, while off duty, shall refrain from consuming intoxicating beverages to the extent that it results in impairment, intoxication, or renders the employees unfit to report for their next regular tour of duty.

'1.17 Use of Tobacco

Employees, when in uniform, may use tobacco as long as (1) they are not in formation, (2) they do not have to leave their assignment or post for the sole purpose of doing so, (3) they are not engaged in traffic direction and control, (4) they are not actively engaged in foot patrol, and (5) they are not in direct contact with the public in the performance of the officer's duties.

'1.18 Insubordination

Employees shall promptly obey any lawful orders of a superior. This will include orders relayed from a superior officer by an officer of the same or lesser rank.

'1.19 Conflicting or Illegal Orders

- A. Employees who are given an otherwise proper order which is in conflict with a previous order, rule, regulations or directive shall respectfully inform the superior issuing the order of the conflict. If the superior issuing the order does not alter or retract the conflicting order, the order shall stand. Under these circumstances, the responsibility for the conflict shall be upon the superior. Employees shall obey the conflicting order and shall not be held responsible for disobedience for the order, rule, regulation or directive previously issued.
- B. Employees shall not obey any order which they know or should know would require them to commit any illegal act. If in doubt as to the legality of an order, employees shall request a clarification of the order or confer with higher authority.

'1.20 Gifts, Gratuities, Bribes or Rewards

Employees shall not solicit or accept from any person, business, or organization any gift (including money, tangible or intangible personal property, food, beverage, loan, promise, service, or entertainment) for the benefit of the employee or the Department, if it may reasonably be inferred that the person, business, or organization: seeks to influence action of an official nature or seeks to affect the performance or nonperformance of an official duty.

'1.21 Abuse of Position

- A. Use of Official Position or Identification. Employees shall not use their official position, official identification cards or badges: (1) for personal or financial gain, (2) for obtaining privileges not otherwise available to them except in the performance of duty, or (3) for avoiding consequences of illegal acts. Employees shall not lend to another person their identification cards or badges or permit them to be photographed or reproduced without the approval of the Chief.
- B. Use of Name, Photograph or Title. Employees shall not authorize the use of their names, photographs, or official titles which identify them as officers, in connection with testimonials or advertisements of any commodity or commercial enterprise, without the approval of the Chief.

'1.22 Endorsements and Referrals

Employees shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, ambulance service, towing service, bondsman, mortician, etc.). In the case of ambulance or towing service, when such service is necessary and the person needing the service is unable or unwilling to procure it or request assistance, employees shall proceed in accordance with established Departmental and County procedures.

'1.23 Identification

Officers shall carry their badges and identification cards on their person at all times, except when impractical or dangerous to their safety or to an investigation. They shall furnish their name and badge number to any person requesting that information when they are on duty or while holding themselves out as having an official capacity, except when the withholding of such information is necessary for the performance of police duties or is authorized by proper authority.

'1.24 Citizen Complaints

Employees shall courteously and promptly report in writing or refer to a superior any complaint made by a citizen against any employee of the Department. Supervisors may attempt to resolve the complaint, but shall never attempt to dissuade any citizen from lodging a complaint against any employee or the Department and will notify their superior even in situations where the complaint has been resolved. Employees shall follow established Departmental procedures for processing complaints.

'1.25 Courtesy

- A. Employees shall be courteous to the public, superiors, subordinates and associates. Employees shall be tactful in the performance of their duties, shall control their tempers, and exercise the utmost patience and discretion, and shall not engage in argumentative discussions even in the face of provocation. In the performance of their duties, employees shall not use coarse, violent, profane or insolent language or gestures, and shall not express any prejudice concerning race, sex, religion, politics, national origin, lifestyle or similar personal characteristics.
- B. Employees, when addressing a superior in a public setting, shall address the superior by his or her title, with respect, being courteous at all times.
- C. Subordinate members, when reporting to the office of a Commander, or other higher ranking officer, shall respectfully request recognition.

'1.26 Requests for Assistance

When any person applies for assistance or advice, or makes complaints or reports, either by telephone or in person, all pertinent information will be obtained in an official and

courteous manner and will be properly and judiciously acted upon with established Departmental procedures.

'1.27 Associations

Employees shall avoid regular or continuous associations or dealings with persons whom they know, or should know, are persons under criminal investigation or indictment, or who have a reputation based in fact in the community or the Department for present involvement in felonious or criminal behavior, except as necessary to the performance of official duties, or where unavoidable because of other personal relationships of the officers.

'1.28 Visiting Prohibited Establishments

Employees shall not knowingly visit, enter or frequent a house of prostitution, gambling house, or establishment wherein the laws of the United States, the state, or the local jurisdiction are regularly violated except in the performance of duty or while acting under proper and specific orders from a superior.

'1.29 Gambling

Employees shall not engage or participate in any form of illegal gambling at any time, except in the performance of duty and while acting under proper and specific orders from a superior.

'1.30 Public Statements and Appearances

- A. Employees shall not criticize or ridicule the Department, its policies, or other employees by speech, writing, or other expression, where such speech, writing, or other expression is unlawful or is made with reckless disregard for truth or falsity.
- B. Employees shall not address public gatherings, appear on radio or television, prepare any articles for publication, act as correspondents to a newspaper or a periodical, release or divulge investigative information, or any other matters of the Department while holding themselves out as representing the Department in such matters without proper authority. Employees, when representing the Department, may lecture on "police" or other related subjects only with the prior approval of the Chief.
- C. Employees shall not use social media inappropriately. Inappropriate comments or postings may include discriminatory remarks, harassment, threats of violence, or similar inappropriate or unlawful conduct. Employees shall not make statements, use photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening, or intimidating, that disparage the Department, its policies, or other employees, where such expression is made with reckless disregard for truth or falsity. Employees should recognize that they are responsible for what they post online and that social media accounts are subject to subpoena and have been utilized to discredit and impeach officer testimony.

'1.31 Personal Appearance

- A. Employees should voluntarily participate in good grooming practices that will create and maintain a highly respectable image for themselves, as well as their fellow employees, and the police profession.
- B. Refer to Department Uniform Manual.

'1.32 Political Activity

- A. While off duty and out of uniform or in an official capacity, employees shall be permitted to:
 - 1. Register and vote in any election;
 - 2. Express opinions as individuals privately and publicly on political issues and candidates;
 - 3. Attend political conventions, rallies, fund-raising functions and similar political gatherings;
 - 4. Actively engage in any nonpartisan political functions;
 - 5. Sign political petitions as individuals;
 - 6. Make financial contributions to political organizations;
 - 7. Serve as election judges or clerks or in a similar position to perform nonpartisan duties as prescribed by state or local laws;
 - 8. Hold membership in a political party and participate in its functions to the extent consistent with the law and consistent with this Section;
 - 9. Otherwise participate fully in public affairs, except as provided by law, to the extent that such endeavors do not impair the neutral and efficient performance of official duties, or create real or apparent conflicts of interest.
- B. Employees are prohibited from:
 - 1. Using their official capacity for the purpose of influencing, interfering with or affect the results of an election or nomination for office;
 - 2. Assuming active roles in the management, organization, or financial activities of partisan political clubs, campaigns, or parties;
 - 3. Serving as officers of partisan political parties or clubs;
 - 4. Becoming candidates for or campaigning for a partisan elective public office;
 - 5. Soliciting votes in support of, or in opposition to, any partisan candidates;
 - 6. Serving as delegates to a political party convention;
 - 7. Endorsing or opposing a partisan candidate for public office in a political advertisement, broadcast, or campaign literature;
 - 8. Initiating or circulating a partisan nominating petition;

9. Organizing, selling tickets to, or actively participating in a fund-raising function for a partisan political party or candidate;
10. Addressing political gatherings in support of, or in opposition to a partisan candidate;
11. Otherwise engaging in prohibited partisan activities on the federal, state, county or municipal level.

'1.33 Collective Bargaining Activities

- A. Employees shall have the right to join employee organizations.
- B. Employees shall not engage in any strike. "Strike" includes the concerted failure to report for duty, willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a sworn statement, the stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment for the purposes of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

'1.34 Financial Responsibility

Employees shall not co-sign a note for any other employee.

'1.35 Telephone

Employees shall have telephones in their residence or cell phones, and shall immediately report any changes of telephone numbers or addresses to the Chief of Police, to their immediate superior, as well as the Human Resources Division.

'1.36 Written Communications

- A. Employees shall not alter or request any other person to alter or withdraw, any report, letter, request, or other written communication that is being sent up or down the chain of command except the employee who initiated said written communication may cause it to be altered or withdrawn for good cause. All such communications shall be forwarded without delay and shall include the title of the communication in the subject line.
- B. Any employees receiving a written communication for transmission to a higher command shall, in every case, forward such communication from a subordinate to a higher command unless said communication is withdrawn in accordance of Section 1.37 (A) of the rules and regulations.

'1.37 Maintaining of Communications

Employees on duty, or when officially on call, shall be directly available by normal communication, or shall keep the Department or their superior informed of the means by which they may be reached.

'1.38 Observing the Chain of Command

Employees having information they desire to forward will make such communications via the official channels within the chain of command. When the information to be forwarded is of such a nature that it must be brought to the immediate personal attention of the Police Chief, the personnel may by-pass official channels and contact the office of the Police Chief directly. Justification for this departure from the established communications routine may, however, be required.

'1.39 Visits to the County Administrator and staff or Elected Officials

Employees will not visit the County Administrator and his or her staff or other elected officials concerning Departmental business without the prior knowledge of the Chief of Police.

'1.40 Dissemination of Information

Employees shall treat the official business of the Department as confidential. Information regarding official business shall be disseminated only to those for whom it is intended, in accordance with established Departmental procedures. Employees may remove or copy official records or reports from a police installation only in accordance with established Departmental procedures. Employees shall not divulge the identity of persons giving confidential information except as authorized by proper authority.

'1.41 Intervention

A. Employees shall not interfere with cases being handled by other officers of the Department or by any other governmental agency unless:

1. Ordered to intervene by a superior, or
2. The intervening employee believes beyond a reasonable doubt that a manifest injustice would result from failure to take immediate action.

B. Officers shall not undertake any investigation or other official action not part of their regular duties without obtaining permission from their superior officer unless the exigency of the situation requires immediate police action.

'1.42 Departmental Reports

Employees shall submit all necessary reports on time and in accordance with established Departmental procedures. Reports submitted by officers shall be truthful and complete, and no employee shall knowingly enter or cause to be entered any inaccurate, false, or improper information.

'1.43 Processing Property and Evidence

Property or evidence which has been discovered, gathered or received in connection with Departmental responsibilities will be processed in accordance with established Departmental procedures. Employees shall not convert to their own use, manufacture,

conceal, falsify, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established Departmental procedures.

'1.44 Abuse of Process

Officers shall not make false accusations of a criminal or traffic charge.

'1.45 Use of Departmental Equipment

A. Employees shall utilize Department equipment only for its intended purpose, in accordance with established Departmental procedures, and shall not abuse, damage or lose Department equipment. All Department equipment issued to employees shall be maintained in proper order.

B. The approval of the Chief of Police shall be required prior to the lending of any Departmentally-owned equipment.

'1.46 Possession of Keys

Employees shall not possess Departmental keys without proper authorization. Before having duplicate keys made, authorization must be obtained from the Chief of Police. Employees will return all keys and key fobs upon separation from the Department.

'1.47 Use of Departmental Letterheads

Employees shall not use Departmental letterheads for their personal correspondence and shall obtain approval from the Chief of Police prior to using it in an official capacity.

'1.48 Presumption of Liability

Employees shall report damage to County property within a reasonable time, but in no instance later than the termination of their tour of duty.

'1.49 Operating Vehicles

Employees shall operate official vehicles in a careful and prudent manner, and shall obey all laws and all Departmental orders pertaining to such operation. Loss or suspension of any driving license shall be reported to the Department and Risk Management immediately.

'1.50 Carrying Firearms

Officers shall carry firearms in accordance with law and established Departmental procedures. Employees will not carry or have under their control any weapons not authorized by the Department when on duty. All weapons will be carried and/or controlled in a safe manner at all times.

'1.51 Truthfulness

- A. Upon the order of the Chief, or the Chief's designee, employees shall truthfully answer all questions specifically directed and narrowly related to the scope of employment and operations of the Department which may be asked of them.
- B. Employees of the Los Alamos Police Department are required to speak the truth at all times, whether under oath or not, except when impractical or dangerous to their safety, or when necessary for the performance of police duties, or such action is authorized by proper authority.

'1.52 Treatment of Persons in Custody

- A. Employees shall not mistreat persons who are in their custody. Employees shall handle such persons in accordance with law and Departmental procedures.
- B. Employees shall maintain proper care and control of persons in their custody at all times.
- C. All in-custody injuries shall be reported immediately to a supervisor and be investigated and documented through a Chief's report.

'1.53 Loitering

- A. On-duty officers shall not loiter in cafes, drive-ins, service stations, or other public places except for the purpose of transacting police business, or to take regular meals as provided for in Department orders. Employees shall not loiter in the police Department offices, and particularly the business offices, except while actually transacting police business.
- B. Officers operating police vehicles shall not park in locations, or, in such a manner as to serve no useful purpose in preventing crime.

'1.54 Use of Force

Employees shall not use more force in any situation than is reasonably necessary under the circumstances. Employees shall use force in accordance with law and Departmental procedures.

'1.55 Use of Weapons

Employees shall not use or handle weapons in a careless or imprudent manner. Employees shall use weapons in accordance with law and Departmental procedures.

'1.56 Arrest, Search and Seizure

Officers shall not make any arrest, search or seizure which they know or should know is not in accordance with law and Departmental procedures.

'1.57 Use of Personal Electronic Devices

Employees shall not utilize any personal electronic device without permission of a supervisor. Personal cell phones may be used minimally for calls and texts so long as the use does not interfere with the employee's ability to perform ethically, efficiently and professionally. At no time will a personal electronic device be used to capture, transmit, or otherwise record, any crime scene, official document, or conversation in an unofficial manner. Any such use shall be reported immediately to the officer's supervisor.

'1.58 Social Media

Employees shall not use social media inappropriately. Inappropriate comments or postings may include discriminatory remarks, harassment, threats of violence, or similar inappropriate or unlawful conduct. Employees shall not make statements, use photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening, or intimidating, that disparage the Department, its policies, or other employees, where such expression is made with reckless disregard for truth or falsity. Employees shall not monitor or post to any social media account while working.

